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09/974,912	10/12/2001	Yi-Ming Liao	2769-113	8962

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ART UNIT	PAPER NUMBER
3623	

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Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/974,912	LIAO ET AL.
	Examiner	Art Unit	
	Jonathan G. Sterrett	3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 February 2006*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3-6 and 10-12* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3-6,10-12* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Summary

1.   This **Final Office Action** is responsive to applicant's amendment filed February

22, 2006. Currently **Claims 1, 3-6 and 10-12** are pending.

Response to Arguments

2.   The applicant's arguments have been fully considered regarding **Claims 1, 3-6**

and 10-12, but they are not persuasive.

3.   The applicant argues that Hancock does not teach as per Claim 1 the following

limitations "an electronic purchase order in EDI850 form," "an acknowledgement in

EDI855 form," "EDI-related information," "delivery-related information," shipment

notification in ED1856 form," "EDI856- related information or the order in which it is

exchanged (e.g., "after receiving an electronic purchase order..." "when delivery is

ready...," "when shipment notification is ready".

        The examiner respectfully disagrees.

        Hancock teaches exclusively using EDI to communicate between business

parties (i.e. EDI related information). This includes the use of EDI 850 information,

which is the defacto standard to communicate a purchase order, that is, communicating

a purchase order in a transaction using EDI requires the electronic format EDI 850. See

column 9 line 5-10 for a discussion of the communication of purchase orders (i.e. EDI

850 information). Hancock also teaches acknowledgements of the purchase orders

(see column 9 line 12-17). This is EDI 855 (i.e. PO acknowledgment). Hancock

teaches shipping notices being sent for notification upon shipment of a product (i.e.

when shipment notification is ready). This notification is EDI 856 (i.e. shipping notice).

The claims describe a normal transaction scheme to issue a PO to make a shipment

and then track that shipment using EDI transactions. This is old and well known in the

art of logistics as taught by Hancock. EDI uses various standard formats for

communicating electronically between business entities. These formats originated

during the advent of mainframe computers. The scheme of sending a purchase order,

receiving an acknowledgement about the PO and receiving an acknowledgement when

a shipment occurs is fully taught by Hancock, both in the context of logistics that occur

in a non-export situation as well as an export situation. The addition of EDI format

transactions, especially relatively old ones such as a PO, it's acknowledgement, and a

shipment notice are much older than Hancock even, although Hancock does describe

these transactions occurring sequentially as is claimed.

4.   The applicant argues that Hancock does not teach in Claim 10 that the logistics

node "prepares a set of shipment information, including EDI855-related information,

delivery-related information, and EDI856-related information, as recited by Claim 10. At

best, Hancock teaches that EDI may be generally used as link 182 between nodes,

including, presumably, logistics node 108 and the other nodes. Thus, Hancock fails to

teach or suggest the preparation of specific, EDI and delivery related information at a shipment management server, as recited by Claim 10".

The examiner respectfully disagrees.

Hancock teaches that EDI is used to connect the nodes of his logistics system (see column 5 line 43-46). Hancock further teaches that transaction communication between the nodes in his system may be conducted <u>entirely</u> using EDI. Hancock also teaches the transmission of purchase orders between nodes in support of shipping products (see column 9 line 1-5). Since Hancock teaches transaction communication may be done entirely with EDI, then the transmission of purchase orders between nodes must use EDI855 (i.e. EDI855 is the EDI standard for purchase order acknowledgement – see Table 1 in Carroll's "Business-to-business e-commerce"). Hancock further teaches that shipping notices and delivery confirmation are sent from a source node (see Column 9 line 17-20). Since Hancock teaches that communication over the network may be done entirely using EDI, this means that a shipping notice must use the EDI856 format. Hancock teaches a logistics node that coordinates information between the various nodes by forwarding communication (see column 9 line 1-5). The logistics node uses a server architecture to connect to the nodes and receive information from them (column 7 line 64-65).

The examiner notes that the use of the trademarks in the claims is used to identify the source of goods, rather than the goods themselves.

Claim Rejections - 35 USC § 112

5.　The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6.　Claims 1 and 3-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding Claim 1, the limitation "when delivery is ready" is cited. Following this limitation, information is downloaded into a database. Furthermore, the limitation "when shipment notification is ready" is followed by a similar limitation that a shipment notification is sent. The limitations, as cited, make the claim indefinite because it is not clear 'when delivery is ready' means. For example, is delivery ready when the truck carrying the freight is 5 miles out? Or is delivery ready when the goods have actually been placed on a receiving dock? For purposes of examination the examiner assumes that the limitation means when a delivery has actually been made. Similarly, claiming 'when shipment notification is ready' does not make it clear that the shipment has actually occurred, and also indicates that the shipment notification can be ready even though the shipment to be made is not ready to be shipped. The examiner assumes this limitation to mean when the shipment actually occurs.

Claim Rejections - 35 USC § 103

7.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

8.   **Claims 1, 3-6 and 10-12** are rejected under 35 U.S.C. 103(a) as being

unpatentable over **Hancock US 6,785,718** in view of **Carroll**, Michael; "Business-to-

Business e-commerce", Web Techniques; Nov 1998; 3, 11; ProQuest Computing, p.44

(hereinafter **Carroll**).

Regarding **Claim 1**, Hancock teaches

After receiving an electronic purchase order in EDI850 form issued by a

customer, at a shipment management platform, returning an acknowledgment in

EDI855 form to the customer to acknowledge the receipt of the electronic

purchase order

Column 9 line 5-10, a customer can use the system to transmit an electronic

purchase order to the shipment management platform (i.e. the logistics node).

Column 9 line 11-13, the purchase order received from the customer is

acknowledged (i.e. confirmed).

Column 5 line 43-46, communication between nodes is entirely done using EDI

standards which requires the use of EDI 850 to transmit an electronic purchase order

and EDI 855 to acknowledge the receipt of the electronic purchase order.

and downloading EDI855-related information into a shipment information database;

column 2 line 20-25, information related to the shipment information, including acknowledgements of receipt of a PO, are stored in a database. –see also column 2 line 37-40.

Column 12 line 20-22, the shipment information is downloaded into a database (i.e. a shipment information database) see also Figure 3#308 and column 10 line 38-45.

at a freight forwarder, receiving the EDI855-related information via the network;

column 5 line 20-23, the cross dock node may perform a freight forwarding function to ship goods overseas (i.e. export). See also column 5 line 27-32, the customs house broker provides freight forwarding function in obtaining clearance to ship goods overseas.

Column 5 line 43-46, nodes are connected over a network using EDI protocols only.

Column 15 line 50-55, invoice information (i.e. purchase order information – EDI 855 related) is relayed to the freight forwarder.

when delivery is ready, at the shipment management platform, preparing and downloading delivery-related information into the shipment information database;

column 15 line 10-15, information regarding a shipment (i.e. delivery information

of that shipment) is downloaded into the logistics node database (i.e. the shipment

information database).

at the freight forwarder, receiving the delivery-related information via the

Internet and submitting the delivery-related information to a customs

organization for approval;

column 15 line 50-53, delivery –related information necessary for customs

clearance is received at the freight forwarder.

Column 15 line 55-56, clearance is obtained for shipment from the government

organization.

when shipment notification is ready, at the shipment management platform,

preparing and sending shipment notification in EDI 856 form to the customer via

the Internet and downloading EDI 856-related information into the shipment

information database;

column 15 line 55-60, the status of the shipment is sent to the logistics node

which (line 63) stores this information for access by authorized parties.

Column 15 line 15-20, full visibility is provided for inbound freight. The examiner

interprets this passage to mean that customers who have an interest in inbound freight

to their location have full access to determine the shipment status – as noted above, the

communication between nodes can be fully EDI – including for EDI 856 "Shipping

Notice". – see also column 13 line 45-50, a shipping notice is sent to the customer (i.e.

an EDI 856 message since the system fully runs EDI).

and at the freight forwarder, receiving the EDI856-related information and

printing the EDI856-related information into an exportation application document

for submission.

Column 13 line 50-55, advance shipping notice (i.e. EDI 856 related information)

includes bill of lading information – see also column 15 line 50-55, BOL information is

provided to the freight forwarder. This information is provided to a customs agency for

export approval (i.e. export application).

While Hancock teaches obtaining the necessary customs and export approvals,

he does not teach:

printing the delivery-related information into a customs application

document for submission.

printing the EDI856-related information into an exportation application

document for submission

sending EDI related information, including EDI 855 and EDI 856, over the

internet.

However, Official Notice is taken that it is old and well known in the art of the

internet, to print documents from a browser. Printing documents from a browser

window is a standard, easy way to obtain a printed copy of information on the screen.

It would have been obvious to one of ordinary skill in the art at the time of the

invention to modify the teachings of Hancock, regarding providing access to shipping

information from a freight forward node for the purposes of obtaining export clearance,

to include the step of printing the customs and exportation documents, because it would

provide a way to obtain a printed copy of the customs/exportation information from the

browser window.

Carroll teaches:

Sending EDI related information, including EDI 855 and EDI 856, over the

internet.

Page 46 Table 1, EDI standards include 855 (PO Acknowledgement) and 856

(shipping notice).

Page 48 column 1 para 1, EDI standards are sent over the internet.

Carroll further teaches that using the internet to send and receive EDI messages

allows older applications (i.e. legacy applications) to be integrated into newer

applications and thus resolve integration problems (see page 48 column 3 para 3).

Carroll and Hancock both address using EDI for business communication, thus

both Carroll and Hancock are analogous art.

It would have been obvious to one of ordinary skill in the art at the time of the

invention to modify the teachings of Hancock, regarding sending EDI information over a

network to include the step of sending EDI information over the internet, because it

would resolve integration problems between legacy and newer computer systems.

Regarding **Claim 3**, Hancock teaches:

wherein in said step (3), the network system is Internet.

Column 5 line 40, various nodes can be networked together using the internet.

Regarding **Claim 4**, Hancock teaches using the internet for the operating network

and using HTML as a communication protocol (i.e. a web browser). Hancock does not

teach:

wherein in said step (3), the network server is a Web server.

Official Notice is taken that it is old and well known in the art of the internet to use

a web server as a network server. Web servers provide the ability to serve web pages

to computers that are connected to the internet. Using webservers to serve webpages

minimizes the computing capability necessary for remote computers to access and

display internet content.

It would have been obvious to one of ordinary skill in the art at the time of the

invention to modify the teachings of Hancock, regarding utilizing the internet as the

network to convey shipping information, to include the step of where the network server

is a web server, because it would reduce the amount of computing power required by

remote computers to access the web server to display web pages.

Regarding **Claim 5**, Hancock teaches the use of the internet and html as

elements of a computer network but does not teach:

wherein in said step (3), the browser program is Microsoft Internet

Explorer™.

Official Notice is taken that it is old and well known in the art of the internet for

the browser program to be Microsoft Internet Explorer™. This program is widely used

in PC's for the purpose of accessing content on the internet and provides an easy to

use interface for internet access.

It would have been obvious to one of ordinary skill in the art at the time of the

invention to modify the teachings of Hancock, regarding utilizing the internet as the

network to convey shipping information, to include the step of where the browser

program is Microsoft Internet Explorer™, because it would provide an easy-to-use way

to access the internet.

Regarding **Claim 6**, Hancock teaches the use of the internet and html as

elements of a computer network but does not teach:

wherein in said step (3), the browser program is Netscape Navigator™

Official Notice is taken that it is old and well known in the art of the internet for
the browser program to be Netscape Navigator™. This program is widely used in PC's
for the purpose of accessing content on the internet and provides an easy to use
interface for internet access.

It would have been obvious to one of ordinary skill in the art at the time of the
invention to modify the teachings of Hancock, regarding utilizing the internet as the
network to convey shipping information, to include the step of where the browser
program is Netscape Navigator™, because it would provide an easy-to-use way to
access the internet.

Regarding **Claim 10**, Hancock and Carroll teach all the limitations in Claim 1 and
3-6 above and Hancock also teaches:

**(a) a shipment management platform, which is used to prepare a set of
shipment information, including EDI855-related information, delivery-related
information, and EDI856- related information;**

see column 6 line 20-21, a variety of software platforms may be used to operate
on the network, also see column 6 line 26-30, a variety of equipment platforms may be
used.

Column 13 line 50-55, advance shipping notice (i.e. EDI 856 related information) includes bill of lading information – see also column 15 line 50-55, BOL information is provided to the freight forwarder.

Column 15 line 50-55, invoice information (i.e. purchase order information – EDI 855 related) is relayed to the freight forwarder.

Claims 11 and 12 recite similar limitations as those recited in **Claims 5 and 6** above, and are therefore rejected under the same rationale.

9.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

"History of EDI", Copyright © 2000, Bangalore Customs, p.1, nitpu3.kar.nic.in/blrcustoms/edi.htm.

"Roger Clarke's Introduction to EDI", December 1998, pp.1-3, www.anu.edu.au/people/Roger.Clarke/EC/EDIIntro.html.

Takeoka, Akemi; Chatfield, Philip; "Strategic payoff from EDI as a function of EDI embeddedness", Spring 2000, Journal of Management Information Systems; 16, 4; ABI/Inform Global, p.195.

Abend, Jules; "New takes on transportation", May 1999, Bobbin; 40, 9; ABI/INFORM Global, p.54.

Kilbane, Doris; "The secrets to EDI's staying power", Oct 1999, Automatic ID News; 15, 11; ABI/INFORM Global, p.32.

10.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

11.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Jonathan G. Sterrett whose telephone number is 703-

305-0550. The examiner can normally be reached on 8-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Tariq Hafiz can be reached on 703-305-9643. The fax phone number for

the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

JGS 4-24-2006

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